

North Carolina Certified Paralegal

A PRIMER FOR ATTORNEYS

The paralegal profession has seen significant and progressive growth since its birth in the mid-1960s. Paralegals no longer work just in traditional environments such as law firms and governmental agencies. The profession is expanding into corporate legal departments, paralegal teaching positions, freelance paralegal services, and paralegal management positions. Paralegals are also applying their paralegal skills to other careers. The profession is no longer considered a stepping-stone to law school. Furthermore, the days of paralegals working without formal education are steadily declining.

The majority of paralegals work under the supervision of licensed attorneys doing substantive legal work. To be licensed, an attorney must have a law degree and pass a rigorous examination on the law and legal theory. If paralegals are performing substantive legal work under the supervision of an attorney, they should also have education, training, and continuing education standards. This is one of the reasons for the adoption of the Plan for Certification of Paralegals ("Plan.")

The Plan was adopted by the NC State Bar and approved by the NC Supreme Court in 2004. The Plan is a *voluntary* certification program that allows paralegals to use the title "North Carolina Certified Paralegal" ("NCCP") once they are certified.

In order to qualify as a North Carolina Certified Paralegal, a paralegal must have a minimum level of paralegal education and pass a certification exam. NCCP's will also have to complete annually six hours of continuing education including one hour of legal ethics. For the first two years of its inception, July 1, 2005, through June 30, 2007, a paralegal can qualify for certification without fulfilling the educational requirements or passing the exam. During this two year alternate qualification period (grandfathering period), paralegals can qualify to be certified with a combination of (1) a high school diploma, experience and a three hour ethics CLE or (2) experience and national certification or (3) experience and paralegal education.

The Plan will make the hiring process easier for attorneys. Although the Plan is voluntary, it gives the attorney a much-needed benchmark to assist them in their hiring practices. Attorneys will know that if a paralegal is a North Carolina Certified Paralegal, she/he has a minimum level of education and regularly attends continuing paralegal/legal education programs or courses.

North Carolina Certified Paralegals will be aware of changes in the law. NC Certified Paralegals are required to attend six hours of CLE each year including one hour of legal ethics. NC Certified Paralegals will therefore be keeping abreast of changes in the law. An educated, certified paralegal who is keeping up-to-date on legal changes would be able to provide a better work product to the attorney and a better service to the client.

Clients will appreciate that your staff is well trained and professional. Members of the public indirectly rely on the work performed by paralegals and many times directly rely upon information given to them by paralegals. Current and prospective clients will understand that having a NC Certified Paralegal working on their legal matter means that the attorney recognizes and appreciates the importance of their cases by hiring educated, trained, professional paralegals.

Attorneys can still hire whomever they chose to work as a paralegal. The Plan will not prevent attorneys from hiring whomever they wish to work in their law office, corporation, non-profit organization or government agency. However, they will not be able to identify or refer to the

employee as a NC Certified Paralegal or one of the other titles in the Plan unless the paralegal is certified.

North Carolina Certified Paralegals will not be competing with attorneys. The Plan does not change the Authorized Practice of Law statute. It does not expand the duties of paralegals; in fact, it is hoped that this plan will create ethical duties to further support the Authorized Practice of Law statute. The Plan continues to require paralegals to be supervised by an attorney unless authorized by law to provide services directly to the public (i.e. social security disability and patents).

If you want further information, including a list of FAQ's or to view the entire Plan for Certification of Paralegals, please visit www.nccertifiedparalegal.org.